Appl. No. 09/632,861
Amdt. dated January 16 , 2004
Reply to Office action of October 22, 2003

PATENT

REMARKS

This paper is in response to the Office Action of October 22, 2003. The due date for response extends to January 22, 2004.

Claim objections were noted by the Examiner. The Applicant has amended the claims to clarify the reading of the claims as suggested by the Examiner. Accordingly, the Applicant requests that Examiner to remove the claim objections.

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,619,247 to James Russo (Russo) in view of U.S. Patent No. 5,530,754 to Norton Garfinkle (Garfinkle) and in view of 5,063,547 to Pieter H. Custer (Custer). In view of the amendments and remarks presented herein, the Applicant traverses and respectfully requests reconsideration of the rejection.

The distinctions between the claimed invention and the cited teachings of Russo and Garfinkle, as outlined in the previous Office Action response are hereby incorporated by reference. As previously noted, because the teachings of Russo and Garfinkle are conflicting, one skilled in the art would not look to disparate and conflicting teachings to arrive at the claimed invention.

The Examiner has raised new grounds for rejection by introducing Custer, which teaches the combination of a "record carrier identification" (i.e., disc identifier) and an "entered user identification." Col. 1, lines 66-67. As noted in col. 2, lines 3-8, the combined the user identification and the record carrier are stored together with an associated preferred-selection program.

As taught by Custer, the object of combining the record carrier identification with a user identification is to allow user's preferred selections of a given record carrier to be readily available. As an improvement over prior techniques used in the field of Custer's invention, only one user's preferred selections could be linked to a particular record carrier. But, Custer defined a technique for storing the combined: (1) user identification, (2) record carrier identification; and (3) the preferred selection program on memory of a drive. As noted in

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Col. 4, lines 9-14, this information should be stored in battery powered RAM memories or non-volatile memories, so that the stored information remains fixed and stored in memory when the drive is powered down. In later accesses to the particular record carrier by selected users, reference is first made to the stored information in the local drive's memory, and then the user is presented with his preferred preferences.

Based on Custer teachings, the joining of (1) and (2) define a single identification code. *See* Abstract of Custer. The identification code will then be linked with a specific preferred selection program. The resulting data, then remains stored in the drive's memory. Consequently, the generation of a single identification code is only made once, and then it is stored and only referenced if the user accesses the same disc at a later time on the same exact drive. If a different drive is used, the generated identification code would be useless, and the process of making preferred selections would have to be repeated, provided the capability was provided by the new drive.

The Examiner points to Custer as clearly showing "...how to achieve *a better security* and make the identification data associated with both specific end user as well as to an specific content by combining the user specific information and specific content information to create an ID." The Examiner's characterization of Custer is respectfully traversed. Custer is not concerned with security at all. In fact, the user is able to access the entire contents of the disc. The generated identification code is only used to "find" the user's preferred selections. Also, the identification code is only used "[i]f the user wishes to use the preferred selection facility of the disc identification code RID of the disc..." Citing to Examiner's citation in col. 6, lines 34-36. Thus, if the user can *choose* to use the preferred selection facility, then the user is actually not bound by any security at all. In contrast, the claimed invention specifically claims the user of the user identifier to enable access to <u>only</u> a specified content. (as amended). Claim 9 was also amended to clarify that the specified content is a subset of data stored in contents database and the subset is defined by the media ID.

To refresh the office's understanding of the claimed invention, the contents database 106 stores an unlimited variety of different content. But, to enable a user to access <u>a specified content</u> (which is related to the content of the detachable storage media), the user identifier allows access to only the content that relates to the detachable storage media by way of the media identifier. For this reason, the claims, and as represented by the portion of claim 1

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reproduced below, the enabled content is the specified content in said primary media content database.

> Claim 1. ... a detachable storage media installable in said client console, said detachable storage media having a media identifier, wherein the media identifier is combined with the user specific information to define a user identifier, the <u>user identifier is uploaded to said download management server to enable access only to a specified content in said primary media content database</u>, said specified content and said user information is downloaded to said client console, the specified content being associated with billing trigger data to enable monitoring of when specific portions of the specified content is accessed for use at said client console, the monitoring being configured to generate a record of used content, the record of used content being communicated back to the management server to record a revenue bearing event in the customer database.

Custer, however, teaches that access can be made to the entire media. The teachings of Custer only provide motivation for the identification of preferred selections within the entire content of the inserted disc. In addition, it is also pointed out that the identification code generated by Custer is not uploaded--it is stored locally on the drive. Thus, Custer would not motivate combination of its teachings with contradicting teachings, in which the generated identification code is not stagnantly stored on a memory chip of the standalone disc drive.
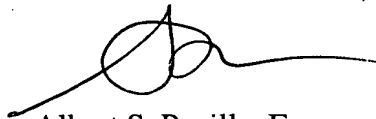
Clarifying amendments were also made to independent claims 17 and 22. Accordingly, the reasons noted above also apply to amended claims 17 and 22.

For at least the reasons noted herein, and the reasons previously made in the last Office Action response, the Applicant respectfully requests the Examiner to withdraw the Section 103 rejections. The dependent claims are submitted to be patentable over the cited art of record for at least the same reasons the independent claims are submitted to be patentable.

A Notice of Allowance is therefore respectfully requested.

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If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SONYP002). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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